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Case No.: MEDTR-001A  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Matthew J. Birdsall )	Art Unit: 3731
Serial No.: 10/029,553 )	Examiner: Michael Thaler
Filed: December 20, 2001 )	
For: Profiled Stent and Method )	
of Manufacture )	

**SECOND DECLARATION OF MATTHEW J. BIRDSALL  
PURSUANT TO 37 C.F.R. § 1.131**

I, Matthew J. Birdsall, do hereby declare as follows:

1. I previously signed the Declaration Of Matthew J. Birdsall Pursuant To 37 C.F.R. § 1.131 that was filed on or about November 22, 2004 in relation to the above-captioned United States Patent Application Serial No. 10/029,553 and I have personal knowledge of all facts stated in that declaration.

2. All acts referred to in the Declaration Of Matthew J. Birdsall Pursuant To 37 C.F.R. § 1.131 filed on or about November 22, 2004, and in the notebook pages appended thereto, occurred in the United States of America prior to February 14, 1996.

3. I solely conceived of the basic concept of the manufacture and use of stents formed of struts that have substantially flat top sides, substantially flat bottom sides and substantially curved left and right sides as described in the Declaration Of Matthew J. Birdsall Pursuant To 37 C.F.R. § 1.131 filed on or about November 22, 2004. The other inventors named in United States Patent Application Serial No. 10/029,553 contributed to aspects of the invention that add to or further limit this basic concept as recited in various dependent claims of United States Patent Application Serial No. 10/029,553.

I declare that all of the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that such statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or and patent issuing therefrom.

9/26/06

Date



Matthew J. Birdsall